



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 05/05/09		PAT MIRANDA , daughter, was appointed Conservator of the Person & Estate on 09/30/03.	NEEDS/PROBLEMS/COMMENTS:
		First Account and Report of Conservator was approved on 11/05/12.	1. Need Final Accounting.
Cont. from		Minute Order from 11/05/12 set this matter for status re filing of the Final Account on 12/07/12.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	FTB Notice		
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			Reviewed by: JF
			Reviewed on: 12/03/12
			Updates:
			Recommendation:
			File 1 - McCaslin

DOD: 7-23-09		SYLVIA BISE, Surviving Spouse, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				Continued from 11-6-12.	
Cont. from 110612				Minute Order 11-6-12:	
	Aff.Sub.Wit.			Ms. Kruthers informs the Court that she can have the accounting for everything filed within 30 days.	
✓	Verified			Matter continued to 12-7-12, set on 12-7-12 for status re: Accounting.	
	Inventory			Note: Public Administrator filed a First and Final Account on 11-27-12 that is set for hearing on 1-23-13.	
	PTC			Note: Inventory and Appraisals have been filed as follows:	
	Not.Cred.			<ul style="list-style-type: none"> • I&A Partial #1 filed 7-20-10 (\$1,314,558.44) • I&A Final filed 11-16-10 (\$860,591.12) • Supp I&A #1 filed 10-24-11 (\$78,855.93) • Supp I&A #2 filed 1-10-12 (\$19,410.88) • Supp I&A #3 filed 9-26-12 (\$118,575.76) 	
✓	Notice of Hrg			Examiner notes that there were Objections to the I&A Partial #1 filed 7-20-10 and the I&A Final filed 11-16-10, which Objections were dismissed based on the settlement agreement reached on 5-26-11.	
✓	Aff.Mail	W		Examiner notes recent activity in the file including the filing of the Supp I&A #3 on 9-26-12 and an Allowance of Creditor's Claim filed by the Public Administrator on 10-11-12.	
	Aff.Pub.			Reviewed by: skc	
	Sp.Ntc.			Reviewed on: 11-30-12	
	Pers.Serv.			Updates:	
	Conf. Screen			Recommendation:	
	Letters			File 2 - Bise	
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
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	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Petitioner states the Fresno County Public Administrator was appointed as the personal representative of the estate and Letters issued on 10-22-09. A dispute arose concerning, among other things, the manner in which the estate should be distributed. The parties reached a settlement agreement that provided that a significant portion of the estate be distributed to Petitioner and Petitioner's daughter, and that the Public Administrator would forthwith prepare the final accounting and petition for final distribution. The Court issued an order making preliminary distribution pursuant to the agreement on 4-25-11.

Petitioner states one of the assets was 100% of the issued and outstanding shares of Bise Outlet, Inc. Petitioner states the Public Administrator commingled the corporation's cash with that of the probate estate, running all such funds through the same accounts in the Public Administrator's office. Among the assets distributed to Petitioner were the shares in said corporation.

Petitioner states that prior to his passing, it was the decedent's practice that when sales were made to a customer on credit, a credit report would be run on the customer and the customer would execute a contract that complied with law concerning sales of consumer goods on credit and a sales ledger would be created wherein each payment and each contract with the customer would be recorded. Petitioner states that upon the Public Administrator's appointment and its assumption of management of Bise Outlet, Inc., sales continued to be made on credit, but no effort was made to determine the creditworthiness of customers and sales were not properly documented. Petitioner states the documentation practices ceased, and payments were deposited into estate accounts rather than the corporation's account, and the corporate records provide no way to determine how much any customer now owes on his/her account.

Petitioner further states that no effort was made to collect any account receivable existing as of the decedent's death.

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Petitioner states during the Public Administrator's management of the corporation, sales were made on credit to persons that failed to pay the corporation on prior accounts receivable, and that "sales" were made to Ruth Rios of thousands of dollars of furniture, ledgers indicating that she paid nothing down, the entire purchase financed, however, no finance agreements were executed, no payments were ever made, and Ruth Rios denies any obligation to pay the corporation for the furniture.

Petitioner states the Public Administrator purchased inventory for the corporation, but failed to maintain in corporate records the purchase orders and invoices describing the inventory purchased or the amounts paid therefore.

Because of the failure to properly document sales, payments, purchases and other financial transactions of the corporation, the corporation has not been able to determine which customers still owe money nor has it been able to pursue most customers because the sales were not properly documented and the accounts receivable were not timely pursued.

Petitioner states all accounting issues were reserved by the settlement agreement. Because of the fact that the Public Administrator comingled the cash and records of the corporation with those of the estate, the Settlement Agreement envisioned the accounting would include a report and account for the transactions of the corporation as well.

Petitioner states the estate should be terminated with reference to Probate Code § 12020(a). Petitioner states that more than one year ago, the Public Administrator agreed to prepare the accounting concerning the estate and the corporation and to petition this court for an order finally distributing the residue of the estate. Petitioner requests the Court order the Public Administrator to appear and show the condition of the estate and the reasons why the estate cannot be distributed and closed.

Petitioner requests that:

1. The Court order the Fresno County Public Administrator to prepare a First and Final Account and Report of Administrator;
2. The court order the Fresno County Public Administrator to include in its First and Final Account and Report of Administrator a full accounting of the financial activities and status of Bise Outlet, Inc., during the time said corporation was administered by the Public Administrator, which accounting will match all revenues to the customer who made payment;
3. The court order the Fresno County Public Administrator to produce all source documents on which its account is based;
4. The court specify in the order a reasonable time within which the account must be filed (Petitioner suggests 60 days from the date of the order);
5. The Fresno County Public Administrator be ordered to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed; and
6. The court issue such other and further relief as it deems proper.

(1) Petition to Determine Title to Real Property, for (2) Transfer of Property to Personal Representative, for (3) Accounting for Constructive Trust and for (4) Damages for Financial Abuse of Dependent Adult (Prob. C. 850 W & I C. 15610.30 et seq)

DOD: 9-29-11	PUBLIC ADMINISTRATOR , Administrator with Full IAEA, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 10-18-12: Counsel advises the Court that discovery still needs to be completed. Continued to 12-7-12, Set on 12-7-12 Re: Discovery (See Page 3B)
	JAMES LEMON , Respondent, objects.	
	Petitioner alleges:	
Cont. from 092512, 101812	<ul style="list-style-type: none">Prior to her death in September 2011, Decedent owned no fewer than three (3) parcels of real property (three duplexes) in Fresno: #1 includes 1278 and 1280 N. Van Ness (the "1278-80 Duplex") #2 includes 1282 and 1284 N. Van Ness (the "1282-84 Duplex") #3 includes 1292 and 1294 N. Van Ness (the "1292-94 Duplex")	
<input type="checkbox"/> Aff.Sub.Wit.		
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<input type="checkbox"/> Order	<input checked="" type="checkbox"/> X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCC/JEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	<ul style="list-style-type: none">Decedent then approached Respondent James LeMon and his business partner Arthur Yosako and asked for a loan to repay Ms. Perry. They loaned Decedent \$5,291.59 to pay off that debt.Later, LeMon and Decedent began discussing the sale of Parcel #1 to LeMon. On or about 4-27-11, Decedent purportedly signed a handwritten agreement to sell Parcel #1 to LeMon for \$63,000 less all liens and debts on the property, including the \$5,291.59 owed to LeMon and Yosako.Per the terms of the alleged agreement, LeMon was to make a \$15,000.00 down payment to Decedent and thereafter pay \$2,000.00/month for 24 months. They opened an escrow with Fidelity National Title Company to facilitate the transfer of the property to LeMon.At or around the time that they were discussing the sale of Parcel #1, LeMon began acting as the property manager for all of Decedent's rental units. Petitioner states Decedent and LeMon agreed that compensation for his management services would be deducted from the \$63,000.00 sale price.LeMon knew Decedent was physically and mentally declining, that she was largely unable to manage her own finances, and that she was easily susceptible to the influence of others.	Reviewed by: skc Reviewed on: 11-30-12 Updates: Recommendation: File 3A - Scott

SEE ADDITIONAL PAGES

Petitioner alleges (continued):

- **On 5-16-11**, notwithstanding the pending escrow, Decedent purportedly quitclaimed all three parcels to LeMon without consideration and without the existence of a written contract memorializing any transaction between the parties.
- **In May or June 2011**, notwithstanding that the properties had already been transferred, Fidelity informed Decedent and LeMon that the escrow transaction could not be consummated due to an outstanding \$16,450.25 tax lien and issues related to Decedent's debt to Ms. Perry. Decedent subsequently withdrew from the escrow.
- **On 6-7-11**, two additional quitclaims were executed. Petitioner alleges that one was executed to correct an error in the prior deed that transferred Parcel #1 to LeMon, and the other transferred Parcel #3 from LeMon back to Decedent. Petitioner states that though the title of Parcel #3 was returned to Decedent, LeMon continued to manage the property and collect rents purportedly on Decedent's behalf.
- Interestingly, the quitclaim deed executed 5-16-11 for Parcel #1 purports to correct the legal description contained in the quitclaim deed executed 6-7-11. Also interestingly, the quitclaim deed executed 6-7-11 was recorded prior to the deed executed 5-16-11. Petitioner alleges that irrespective of the dates of execution contained in the various quitclaim deeds, as of the date of filing, title to Parcels #1 and #2 is held in the name of LeMon.
- **Decedent was found dead in her home in September 2011** and it is believed that she had been deceased for 1-2 weeks prior to the discovery of her body. Petitioner states the home was in a state of considerable filth and disarray, including damage caused by animals and large amounts of refuse, garbage, and other materials found strewn about. Food, medicine, and money were all noticeably absent from the house.
- Deputy Public Administrator Noe Jimenez investigated the circumstances of Decedent's death and discovered the aforementioned changes in title to Decedent's assets. Deputy Jimenez learned that tenants had been asked by LeMon to pay their rent directly to him in cash.
- **Deputy Jimenez later discovered that a report had been filed with Adult Protective Services regarding LeMon's relationship with Decedent.** In addition, a contractor who had been performing work at Decedent's home reported that Decedent had told him that somebody had tricked her out of her property and she could not afford her medications.
- When questioned by Deputy Jimenez about his relationship with Decedent and the circumstances of how he came to possess title to and rent from the properties, LeMon indicated that he had purchased the properties from Decedent by providing money directly to her, by making direct payment to third parties, including Kaiser Hospital, on behalf of Decedent, and/or by purchasing necessities for her, including food and medicine. LeMon also stated that he had conveyed all rents due Decedent by issuing various checks made payable to her.
- Kaiser denied having received any payments on behalf of Decedent. Further, no food or medicine was discovered in Decedent's home at the time her body was discovered. No money or other financial assets were found in Decedent's home or in any bank accounts titled in her name.
- **On 10-5-11**, based on this information, Deputy Jimenez filed a certification of Public Administrator pursuant to Probate Code §7603 in connection with Parcel #3.
- **Petitioner states LeMon currently holds legal title to Parcels #1 and #2 and Petitioner believes LeMon is in possession, custody, or control of some or all rents derived from all three parcels from May 2011 through November 2011.** Petitioner alleges that title to the three parcels was never validly transferred to LeMon. No written agreement signed by him purports to bind him to any purchase price for the properties and no written agreement signed by Decedent purports to convey the properties to LeMon upon receipt of consideration. In fact, there is no document that shows any significant value was ever paid to Decedent in exchange for title to the properties.

SEE ADDITIONAL PAGES

Petitioner alleges (continued):

- Though a writing signed by Decedent purports to establish terms by which LeMon was to purchase Parcel #1, Petitioner alleges that the purchase prices reflected in that writing was never paid to Decedent. Consequently, Petitioner requests an order that Parcels #1 and #2 and any and all rents derived from said properties, belong to Petitioner in its capacity as Administrator pursuant to Probate Code §850 on the ground that any contract or agreement to transfer said properties is void for lack of consideration.
- **Undue influence.** At the time that title to the parcels was transferred to LeMon, Decedent was physically and mentally ill, extremely concerned about her financial well-being, and substantially unable to resist fraud or undue influence. At the time of the transfer(s), Respondent enjoyed a relationship of trust and confidence with Decedent, and had purportedly assumed responsibility for paying for Decedent's food, medical bills and other expenses and Decedent trusted him to do so.
- LeMon actively participated in procuring the title and rents to the properties by assuming control of them, by collecting cash rents from the tenants, and by lulling Decedent into a belief that he was entitled to the properties and the rents they generated and that he would help her pay expenses.
- LeMon has unduly benefitted from the transfer of the properties and the collection of rents related thereto by receiving the value of the properties, the rents generated by them, and receiving such without consideration.
- Consequently, Petitioner requests an order that title to Parcels #1 and 2, and any and all rents Respondent derived from said properties, be deemed vested in Petitioner or, alternatively, be ordered immediately reconveyed to Decedent's Estate pursuant to Probate Code §850 on the ground that title and rents were procured through undue influence.
- **Decedent was a dependent adult pursuant to W&I §15610.23,** suffered from impaired physical and mental health, was substantially unable to protect her rights, and required assistance to carry out normal activities, including procurement of basic necessities such as food as medicine.
- LeMon took and/or obtained real and personal property belonging to Decedent for his own personal gain by acquiring title and rents to the properties.
- Whether as the result of some alleged oral or written agreement or other donative transfer, Decedent was in fact deprived of her rights in the properties and rents generated by same to the benefit of LeMon.
- **LeMon knew or should have known** that his receipt of such property and his conduct in connection therewith was likely to be harmful to Decedent because he was depriving her of the value of the property and the means to support and provide for herself.
- Because Decedent had already been concerned about her physical and financial well-being, the fact that she had been "tricked" and had lost the rights to the properties only served to exacerbate her anxiety regarding her finances. In addition, the lack of income that resulted from her loss of the properties left Decedent unable to afford her various medications and resulted in increased suffering from the absence of such medication.
- LeMon was aware of Decedent's vulnerable condition and her reliance on the income generated by the properties and was reckless in taking the title and rents.
- Petitioner seeks to have the properties and rents reconveyed from LeMon to Decedent's Estate and in addition seeks to recover compensatory, punitive and other enhanced damages from LeMon for his reckless conduct and the harm done to Decedent.
- Because LeMon did not lawfully hold title to the properties and was therefore not entitled to the rents generated by the properties, Petitioner requests that title and rents currently in LeMon's possession, custody or control be deemed to be held in constructive trust FBO Decedent's Estate.
- Petitioner requests the Court order LeMon to provide a full accounting of any and all rents received by him in connection with the properties.

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Petitioner requests this Court issue an Order:

1. Determining that title to the 1278-80 N. Van Ness and 1282 and 1284 N. Van Ness [Parcels #1 and #2] are vested in Petitioner in its capacity as the Administrator of Decedent's Estate;
2. Alternatively, compelling LeMon to reconvey title to such properties to the Estate vis a vis the Public Administrator;
3. Ordering LeMon to account for any and all rents received or obtained by him in connection with the real properties at 1278 and 1280 N. Van Ness, 1282 and 1284 N. Van Ness, and 1292 and 1294 N. Van Ness [Parcels #1, #2, and #3];
4. Deeming that the real properties located at 1278 and 1280 N. Van Ness and 1282 and 1284 N. Van Ness [Parcels #1 and #2] and any rents generated by the properties located at 1278 and 1280 N. Van Ness, 1282 and 1284 N. Van Ness, and 1292 and 1294 N. Van Ness [Parcels #1, #2, and #3] are held by LeMon in a constructive trust for the benefit of the Estate of Janet Scott vis a vis the Public Administrator;
5. For compensatory damages according to proof;
6. For enhanced damages in an amount equal to twice the value of the property recovered pursuant to Probate Code §859;
7. For enhanced damages for Decedent's pain and suffering , both physical and psychological, pursuant to Welfare and Institutions Code §15657;
8. For punitive damages sufficient to punish Respondent's conduct and to deter such conduct in the future;
9. For reasonable attorney's fees pursuant to Welfare and Institutions Code §15657;
10. For costs incurred herein; and
11. For any other relief the Court deems just and reasonable.

Respondent JAMES LEMON objects. Respondent states:

Examiner's Note: Please ensure that future filings have appropriate top margins so that the pleadings can be read without removal from the file.

- LeMon and Decedent had an agreement whereby LeMon was to purchase two of the duplexes. However, Decedent continued to dealy the sell of the properties while simultaneously exploiting LeMon's generosity. LeMon ultimately put many hours of labor and spent considerable sums of money on the duplexes to the benefit of Decedent based on her promises to transfer the properties to him.
- LeMon objects to Petitioner's requests because Petitioner has not established any grounds to support the requested orders. Petitioner asserts LeMon unduly influenced a dependent adult and obtained her rental properties by some "trick" and without consideration. Petitioner fails to meet its burden of proof.
- Lemon contributed substantial time, money and resources toward the purchase of the duplexes because he had been promised for several months that Decedent would remove all liens from the properties and sell two of the duplexes to him.
- Petitioner provides no facts in support of its allegation that Decedent was a dependent adult pursuant to W&I Code 15610.23 and provides no facts in support of its allegation that "some time prior to April 2011" Decedent's "physical and mental health began to seriously decline."
- Petitioner provides no facts in support of its allegation that Decedent incurred "substantial medical bills and other expenses associated with that decline."

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Respondent states (continued):

- Petitioner provides no facts in support of its allegation that LeMon "knew that [Decedent] was ... largely unable to manage her own finances and was easily susceptible to the influences of others."
- Petitioner provides no facts in support of its allegation that the properties were transferred to LeMon "without consideration." Indeed the contrary is true.
- Petitioner provides no facts in support of its allegation that LeMon collected rent and failed to deliver the rent to Decedent.
- Petitioner provides no facts in support of its allegation that LeMon did not pay cash directly to Decedent or make payments to third parties on her behalf. In fact, LeMon did pay cash to Decedent, make payments to third parties on her behalf, and paid several of her other expenses when requested to do so all against the purchase of the duplexes. See copies of LeMon's check register, bank statements, and miscellaneous receipts attached.
- Petitioner provides no facts in support of its allegation that Decedent "was physically and mentally ill, extremely concerned about her financial well-being, and substantially unable to resist fraud or undue influence."
- Petitioner provides no facts in support of its allegation that Lemon "lulled" Decedent into a belief of any kind. In fact, Decedent was not "lulled" by LeMon, rather, she took advantage of LeMon's kind heartedness and generosity and caused him to spend considerable sums of money and expend much labor cleaning and repairing the rental properties with the promise that she would sell him the duplexes.
- Petitioner provides no facts in support of its allegation that LeMon "unduly benefitted from the transfer of the properties." LeMon, at Decedent's urging, poured money and resources into the duplexes. LeMon was hoping to purchase at least two of the duplexes and Decedent was hoping to keep them from the government. Instead LeMon has become the recipient of unfounded and defamatory statements made about him by Deputy Jimenez and contained in the instant lawsuit.
- LeMon objects to the request for a determination and transfer of title of the 1278-1280 duplex because LeMon has expended considerable money and resources to the benefit of Decedent and in reliance of her promise to sell him the duplex. Moreover, Petitioner has failed to meet its burden of proof; therefore, the Court must deny Petitioner's requests.
- LeMon objects to the request for a constructive trust and an accounting because Petitioner has not provided any facts substantiating the need for such orders. While Petitioner asserts LeMon unduly influenced a dependent adult and obtained her rental properties by some "trick" and without consideration, Petitioner has failed to provide any facts supporting its allegations; the Petition contains unsupported accusations and emotionally charged language, but no facts. Petitioner has failed to meet its burden of proof, so the Court must deny the requests.
- On or about 3-30-11, Yosako, on behalf of Decedent, asked LeMon if he would loan Decedent \$5,291.59 to pay a debt owed to Brenda Perry and some of Decedent's outstanding bills. According to Yosako, Decedent said she would lose the property if the debt was not paid immediately.
- On or about 4-7-11, LeMon agreed to loan Decedent the money. LeMon and Decedent agreed that she would repay him with \$500 monthly payments at 10% interest (see attached). LeMon gave a cashier's check to Yosako that he gave to Decedent.

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Respondent alleges the following facts in support of his interest in acquiring two of the duplexes and opposing any order conveying the property to a constructive trust:

- Between 4-7-11 and 4-14-11, LeMon loaned Decedent an additional \$600.00 because she claimed her tenants had not been paying their rent on time. Also during this time, Decedent asked Yosako to ask LeMon if he was interested in purchasing the 1278-1280 duplex. According to Yosako, Decedent wanted to sell the rental property. She had explained that at one time she owned several rental properties, but she had been forced to sell them to pay large legal expenses to the law firm of Dowling, Aaron and Keeler who represented her in a fiercely contested conservatorship battle over their mother between Decedent and her sister. Decedent explained that her legal bills caused her to fall behind with the mortgage payment on her primary residence and the tax and utility payments on the rental properties, including the three duplexes on Van Ness.
- Prior to LeMon's interest in purchasing the duplexes, Decedent had recruited one of the tenants to collect rents from the other tenants. Almost all of the tenants had moved out leaving some apartments vacant and one occupied by several people who had entered the apartment illegally. Decedent regularly failed to pay the taxes and utility bills for the duplexes, causing water and electricity to be frequently shut off. She had received at least one complaint to the City of Fresno housing department. The City inspected the apartments and ordered Decedent to make repairs.
- On or about 4-14-11, LeMon agreed to purchase the 1278-1280 duplex for \$63,000.00. The terms of the sale required \$15,000.00 down followed by 24 monthly payments of \$2,000.00. They opened an escrow to consummate the transaction. Escrow instructions attached.
- On or about 4-27-11 escrow still had not closed. LeMon wanted their agreement in writing and drafted a concise sales agreement listing the terms of the sale that Decedent signed. Her signature was notarized (attached).
- On or about 5-11-11, Decedent asked LeMon if he would effectively become the property manager of the three duplexes because she was having trouble collecting rent and maintaining the properties. In exchange for his services, she would deduct the costs borne by LeMon from the total purchase price to be paid toward the duplexes.
- On more than one occasion, Decedent told LeMon she was concerned the "government" would take the properties because she was behind on her taxes. She asked him to transfer all three properties into his name to protect them from being seized. She told LeMon and Yosako that she did not want the properties to go to her sister, the attorneys, or the government. Apparently this was a valid concern since on or about 12-3-07, she deeded a one-half interest in her primary residence located at 8404 E. Nees to the Fresno County Public Guardian's Office as a result of her legal battles with her sister as a result of their mother's conservatorship.
- Decedent and LeMon agreed by transferring the properties he would have collateral for all the money and labor he was devoting to the duplexes. During this time, he loaned Decedent an additional \$400.00.
- On 5-16-11, Decedent quitclaimed the three properties to LeMon for the reasons stated above. LeMon recorded the deeds for 1282-84 and 1292-94, but not 1278-80 because that unit was already in escrow.
- On or about 5-18-11, LeMon paid \$970.00 to purchase premises liability insurance for the three properties and confirmed that three tenants had not been paying rent. In fact, one "tenant" was actually a squatter (with others), and four apartments had no running water.
- Between 5-18-11 and 5-20-11, LeMon prepared and served 3-day notices on the delinquent tenants.

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Respondent alleges (continued):

- On 5-20-11, at Decedent's request, LeMon paid Decedent's Kaiser Permanente insurance bill (\$400.00) and her Allstate auto insurance bill (\$116.22). They agreed that all of these advance payments for misc. debts would be credited toward his purchase of the 1278-80 duplex and serve as collateral for the 1282-84 duplex.
- On 5-24-11, Decedent and LeMon signed the final escrow documents and LeMon believed the sale would finally occur. On that date he also paid her PG&E bill (\$151.45) and he paid Yosako \$600.00 to cover what Decedent represented was part of a debt she owed to Yosako.
- Between 5-26-11 and 5-28-11, LeMon evicted a tenant that was behind on his rent. Decedent instructed him not to rent it because she planned to move there when she vacated her residence on Nees. During this time, LeMon also took three loads of refuse left by the evicted tenants to the county dump, mowed and watered the lawns and made minor repairs, incurring expenses of \$56.83 to Orchard Supply Hardware.
- On or about 5-30-11, LeMon loaned Decedent another \$100.00 to be credited toward the purchase of the duplexes.
- On 5-31-11, LeMon paid \$14,76.88 to the City of Fresno to get water service restored to the duplexes, and also repaired four of the six coolers at the duplexes.
- On 6-1-11, Fidelity National Title Co. notified that new lien had been placed on the 1278-80 Duplex for delinquent taxes in the amount of \$16,554.00. Decedent told him that she would take care of that lien so the sale could be completed, but she never did.
- On or about 6-1-11, Decedent and LeMon verbally agreed that she would sell the 1282-84 Duplex to LeMon for terms similar to the agreement for the 1278-80 Duplex: total sale price of \$61,800.00.
- Between 6-14-11 and 8-5-11, LeMon traveled out of the country and was later diagnosed with cancer and began receiving medical treatment. He ultimately had surgery to remove the cancer.
- From June through September 2011, LeMon and Yosako (when LeMon was out of the country) made several cash payments directly to Decedent and also made several payments on her behalf. They also had delinquent tenants evicted, obtained new tenants, and made repairs and improvements to the properties. LeMon did these things because of Decedent's promise to him that his money and resources poured into the duplexes would be credited against his purchase.
- On or about 6-8-11, LeMon quitclaimed the 1292-94 Duplex to Decedent because she told him she wanted to quitclaim it to Yosako. Further, Decedent told LeMon she would get the deed recorded, but she never did. On 8-16-11, she asked LeMon to record the deed, and he did.
- On 6-9-11, LeMon loaned Decedent \$4,789.24 toward the purchase of the 1278-80 Duplex because she told him that she had taken care of the tax lien. It is unknown how she arrived at that figure, but soon after LeMon gave her a check for that amount, she told him she could not cash his check. He responded by giving her \$3,000.00 cash and paying several of her debts, such as the utility bills and Kaiser Permanente bill. Copies of check and cash receipt attached.
- On or about 8-9-11, Decedent again asked LeMon for a cash loan as credit against the purchase of the Duplexes and LeMon gave her an additional \$450.00. She again promised to take care of the tax lien, and further promised that if she didn't take care of it by the end of the month, she would pay LeMon \$21,000.00 as repayment for all of his cash advances and expenses he had paid toward the properties.

SEE ADDITIONAL PAGES

Respondent alleges (continued):

- From May through September 22, 2011, LeMon paid expenses related to the properties and to Decedent of over \$20,000.00 and he and Yosako collected rents he paid to Decedent over \$8,300.00. Copies of some of the receipts prepared by Yosako are attached.
- On 10-4-11, one of the tenants contacted LeMon and told him that Deputy Sheriff Noe Jimenez had informed the tenant that Decedent had died, that she had lodged a report against LeMon with APS, and that all rent money from the properties was to be paid to the Public Guardian. LeMon never received the documents given to tenants by Deputy Jimenez, nor was he ever notified of an APS report.
- Between October 4 and October 6, 2011, LeMon called Deputy Jimenez and left four messages before his call was returned. He attempted to explain that he had been working with the Decedent to improve the properties and that they had an agreement for him to purchase the properties. In or about March 2012, LeMon and Yosako met with counsel for the Public Administrator's office and explained that they had an agreement for him to purchase the properties.

Respondent states Petitioner fails to establish that LeMon's actions constitute a "taking" as defined by W&I § 15610. Even assuming LeMon had taken one or more of the duplexes, Petitioner fails to establish that his actions were for a wrongful use, due with intent to defraud, or constitute undue influence pursuant to W&I § 15610. Petitioner fails to establish that LeMon intentionally deceived Decedent or concealed any material fact from her. Indeed, facts show that LeMon was led along by Decedent such that he paid her considerable sums of money, repaired and maintained her duplexes, paid some of her personal obligations/debts, and obtained tenants based on her promise that she would sell the two duplexes to him, which she never did.

Respondent requests the Court deny all of Petitioner's requested orders, and further requests the Court order the following:

1. **LeMon be granted title in the 1278-80 and 1282-84 Duplexes based on his fulfillment of the agreement he and Decedent formed prior to her death, and based on the valuable consideration he has paid for the acquisition of those duplexes;**
2. **Alternatively, in the event this Court orders the duplexes conveyed to Petitioner, to order Petitioner to repay LeMon for the labor and costs he has borne as part of his agreement with Decedent toward acquisition of the duplexes, plus all expenses he had incurred in defending himself against the serious accusations in the Petition;**
3. **For reasonable compensatory damages according to proof;**
4. **For reasonable attorney fees as permitted by law;**
5. **For costs associated with this action; and**
6. **Any and all other relief the Court deems appropriate.**

DOD: 11/17/11		JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS:	
		Minute Order from 08/02/12 set this matter for status re: filing the Inventory & Appraisal on 12/07/12.	1. Need Inventory & Appraisal.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: JF
				Reviewed on: 12/03/12
		Updates:		
		Recommendation:		
		File 4 - Barnes		

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 04/17/12			NEEDS/PROBLEMS/COMMENTS: <div style="text-align: center;"><u>OFF CALENDAR</u> I & A filed 09/17/12</div>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: JF			
Reviewed on: 12/03/12			
Updates:			
Recommendation:			
File 5 - Riley			

DOD: 06/05/12		KATHLEEN ANN CRAWFORD , daughter, was appointed Executor without bond on 08/06/12 and Letters were issued on 08/20/12.	NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory & Appraisal.
Cont. from		Minute Order from 08/06/12 set this matter for status re filing of the Inventory & Appraisal.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 12/03/12
			Updates:
			Recommendation:
			File 6 - Crawford

Atty Rountree, L. Clarke

Atty Rusca, Rose Marie

Status Hearing Re: Agreement/Order

Age:			NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Agreement Order signed on 11/29/12.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 12/3/12	
		Updates:	
		Recommendation:	
		File 9 - Gilbert	

**Petition for Payment to Joanne Sanoian of Extraordinary Fees and Costs
Advanced**

DOD: 6/25/2009		JOANNE SANOIAN , former attorney for Kevin Johnson, is petitioner. Petitioner states her office represented Kevin Johnson as Administrator of the Estate from approximately March 29, 2010 to March 11, 2011. Petitioner waives statutory fees for ordinary services rendered to the estate. Petitioner is requesting fees for extraordinary services rendered to the estate in connection with an unlawful detainer action. The action was contested and resulted in a trial. Petitioner requests fees totaling \$8,395.00 for total of 48.30 hours of attorney, paralegal and legal assistant time. Attorney time is billed at \$200 per hour and paralegal time is billed at \$125 per hour Itemization of time is attached to the petition. Petitioner further requests costs totaling \$1,260.00 for filing fees, process server, publication and probate referee. Petitioner requests the order for payment of fees and costs include a direction that said funds are to be either paid, a) directly from the escrow account now pending in this matter at Chicago Title, b) become a lien on the property at 408 W. Eden, Fresno and/or should be, c) withdrawn from that blocked account held in the name of Kevin Johns on behalf of the estate of Shirley Ann McCray.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 9-12-12:</u> Matter continued to 10-5-12 <u>Minute Order 10-5-12:</u> Matter continued to 11-2-12 <u>Minute Order 11-2-12:</u> Matter continued to 12-7-12 Opposition filed 10-4-12 by Administrator Kevin Johnson disputes \$3,206.25 of the extraordinary fees requested. Details and a chart are included discussing the disputed amounts.
Cont. from 091212, 100512, 110212			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Status Hearing Re: Filing of the Amended Account

DOD: 6-25-09	KEVIN JOHNSON , son, was appointed Administrator without bond with Limited IAEA authority and Letters issued on 5-20-10.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 11-2-12</u> 1. <u>Need amended final account and/or petition for final distribution.</u>
Cont. from: 062112, 080912, 100512, 110212	I&A filed 7-14-10 shows a total estate value of \$45,000.00 (real property only). The sole heirs of the estate are the Administrator, Kevin Johnson, and his sister, Phyllis Williams.	
Aff.Sub.Wit.	On 10-5-12, the Court removed Mr. Johnson and appointed the Public Administrator. Letters issued on 10-19-12.	Reviewed by: skc Reviewed on: 11-30-12 Updates: Recommendation: File 10B - McCray
Verified	Status Report filed 10-29-12 states: Deputy Public Administrator Noe Jimenez met with an Escrow Officer at Chicago Title on 10-10-12, where escrow had previously been opened. Although two minute orders note that one of the heirs could buy the house, no specific amount was set forth. Whoever opened the escrow advised Chicago Title that the following specific disbursements were to be paid from escrow:	
Inventory	<ul style="list-style-type: none"> • Buyer (Daughter) to receive credit of ½ of the estate for \$20,000.00 • Joanne Sanoian attorney fees in the amount of \$9,800.00 (not approved by the Court, unclear if this was known or requested by Ms. Sanoian) • Kevin Johnson, Former Administrator, \$15,000.00 as his compensation 	
PTC	If these distributions had been made, the estate would then be insolvent, and the creditor would go without payment of \$1,958.59.	
Not.Cred.	Public Administrator advised the Escrow Officer to make no distributions, and there may be a change in the sales prices. Public Administrator requests instruction from the Court regarding the appropriate sales prices and also requests that the Court revise the previous order so that sale proceeds not otherwise required to be paid from escrow, such as outstanding taxes and mortgage, be payable to the Public Administrator instead of a blocked account.	
Notice of Hrg	Minute Order 11-2-12 states: Mr. Jimenez informs the Court that Ms. Williams was approved for 70% of the loan and is working with an officer to get the other 30%. Mr. Jimenez indicates to the Court that the sale price is \$45,000.00. The Court rescinds its previous order requiring a blocked account.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
✓ Status Rpt		
UCCJEA		
Citation		
FTB Notice		

11 Lucia Bella Capra (GUARD/P)
Atty Walters, Jennifer (for Jessica Navaro/mother)
Atty Alvarado, Vanessa (pro per, former guardian)
Atty Pinegar, Paul (pro per, former guardian)
Status Hearing Re: Visitation

Case No. 10CEPR00411

Age: 3 years	VANESSA ALVARADO and PAUL PINEGAR , paternal aunt and uncle, were appointed as Co-Guardians on 03/28/11.	NEEDS/PROBLEMS/COMMENTS:
	JESSICA NAVARRO , mother, filed a petition for termination of the guardianship.	
Cont. from	Minute order dated 11/6/12 states the court grants the Petition for Termination and orders that the transition of the child be gradual. Parties agree to participate in mediation regarding visitation on 11/9/12.	
Aff.Sub.Wit.		
Verified	This status hearing was set regarding visitation.	
Inventory		
PTC	The parties were able to reach an agreement at mediation. The mediation agreement is in the file.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/3/12
		Updates:
		Recommendation:
		File 11 - Capra

Atty Moore, Terence E. (Pro Per – Trustee Petitioner) (formerly represented by Attorney William H. Coleman)
 Atty Roberts, Gregory J. (for Timothy E. Moore – Named 2nd Successor Trustee)
 Atty Markeson, Thomas A. (for Jonna M. Key, Richard A. Elston and Vern E. Elston – Step-Siblings)
 Atty Moore Huston, Deborah R. (Pro Per – Beneficiary)

Status Hearing Re: Accounting

		TIMOTHY E. MOORE , Beneficiary and Second Successor Trustee, filed a Petition to Compel Trustee to Account, for Attorney Fees, and for Removal of Trustee.	NEEDS/PROBLEMS/COMMENTS: Minute Order 11-2-12 Status Conference: <u>[Judge Kapetan]</u> Counsel advises the Court that he received the accounting documents from his client on Tuesday so he will be filing an accounting soon. Set on 12/7/12 for Status Re: Accounting <u>As of 11-30-12, nothing further has been filed.</u>
Set on 11-2-12		JOANNA M. KEY, RICHARD A. ELSTON, AND VERN E. ELSTON , Step-siblings, filed a Petition to Determine Validity of Trust; Petition for Breach of Trust; and to Impose Constructive Trust; and Petition for Return of Property Pursuant to Probate Code §850. TERRENCE MOORE , Trustee, filed a Petition for Settlement of Account. Trial Minute Order 9-28-12: Also present in the courtroom are Deborah Huston and Terrence Moore. Mr. Markeson advises the Court that the matter has been settled as to Timothy Moore and a settlement agreement has been signed. As to Terrence Moore, he has filed bankruptcy and any debt he has in the trust has been discharged. He further advises that they do not wish to proceed against Deborah Huston as it would not be productive. The matter as to Mr. Markeson's clients is dismissed. The Court indicates for the record that this litigated matter is concluded, but for the accounting. The Court further indicates that as a condition of the dismissal, all parties waive any further actions for fees, costs, or other matters attributed to this litigation. Mr. Roberts advises the Court that he will be filing an accounting as well as an objection as indicated. Set for 11/2/12.	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Atty Sanoian, Joanne, sole practitioner (for Executor Robin B. Sanchez)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 6/25/2008	ROBIN B. SANCHEZ aka ROBIN B. SMITH,	NEEDS/PROBLEMS/COMMENTS:
	daughter, was appointed Executor with Full IAEA authority without bond on 10/11/2011, and Letters issued on that date.	
		<u>Continued from 11/2/2012.</u> Minute Order [Judge Kapetan] states Counsel advises the Court that the property has been foreclosed and the personal property is gone. Counsel indicates to the Court that it is her belief that the estate is insolvent. Ms. Sanchez informs the Court that she was told that the property may have been sold. Matter continued to 12/7/2012. The Court directs Ms. Sanchez to submit a declaration setting forth what has happened. Ms. Sanchez is to include with her declaration any supporting documents.
Cont. from 110212	Partial No. 1 Inventory and Appraisal filed 11/23/2011 shows a partial estate value of \$379,000.00.	
Aff.Sub.Wit.		<p>1. Need declaration setting forth facts and circumstances of events that have taken place during administration, including documents in support of the declaration, per Court order of 11/2/2012.</p>
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Final Inventory and Appraisal filed 1/13/2012 shows an additional estate value of \$40,000.00.	
Aff.Mail	Notice of Status Hearing filed 9/14/2012 set this status hearing on 11/2/2012 for failure to file a first account or petition for final distribution. Clerk's Certificate of Mailing shows the notice was mailed on 9/14/2012 to Attorney Joanne Sanoian and Robin Sanchez.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		Reviewed on: 11/30/12
Order		Updates:
Aff. Posting		Recommendation:
Status Rpt		File 13 - Smith
UCCJEA		
Citation		
FTB Notice		

Status Hearing Re: Filing of Receipt of Money into Blocked Account

Age: 94	DIANE MOSOLF , Conservator, filed a Report of Sale and Petition Confirming Sale of Real Property that was heard on 10/01/12.	NEEDS/PROBLEMS/COMMENTS: <div>OFF CALENDAR</div> <div>Receipt filed 11/26/12</div>
	Minute Order from 10/01/12 set this matter for status on 11/02/12 and states: There being no overbids in open court, the Court confirms the sale price.	
Cont. from 110212	Per the Petition, proceeds of the sale are to be deposited into a blocked account at Wells Fargo Bank.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF Reviewed on: 12/03/12 Updates: Recommendation: File 14 - Fratis

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/7/11	KIRK HAGOPIAN was appointed as Administrator with Full IAEA authority and without bond on 7/26/12. Minute Order dated 7/26/12 set this status hearing for the filing of the inventory and appraisal.	NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5.	
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 12/3/12
	Updates:		
	Recommendation:		
	File 15 - Smart		

DOD: 6/6/12		<p>SIGRID E. ANDERSON was appointed as Administrator with Full IAEA authority and without bond on 7/26/12.</p> <p>Minute Order dated 7/26/12 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5.</p>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 12/3/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Bremer</p>			

Atty Jambeck, Jay T., of Leigh Law Group, San Francisco (for Petitioners Mark Crable and Patricia A. Crable, parents)

Status Hearing Re: Proof of Bond

Age: 15 years		<p>PATRICIA A. CRABLE, mother, was appointed Trustee of the EDWARD JAMES CRABLE SPECIAL NEEDS TRUST established by this Court following hearing on 9/19/2012, by the <i>Order Approving Amended Verified Ex Parte Petition to Exclude Funds from Estate and Directing Proceeds to a Special Needs Trust and a Blocked Account</i> signed on 9/25/2012.</p> <p>Order to Deposit Money into Blocked Account signed 9/25/2012 finds that \$9,250.00 will be deposited into a blocked account for the minor.</p> <p>Minute Order dated 9/19/2012 from the hearing on the petition states the Court approves the petition and sets the bond at \$11,000.00. Counsel is directed to submit an order.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10/19/2012.</u></p> <p>Minute Order states Mr. Jambeck is appearing via conference call. Counsel advises the Court that his clients have the bond papers and he has yet to receive them. He further advises that the check(s) have not been received from the District so there is no money in the blocked account. Matter continued to 12/7/2012. The Court directs Counsel to file the bond and receipt by 12/7/2012.</p> <p>The following issues remain to be addressed:</p> <ol style="list-style-type: none"> 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (mandatory-use Judicial Council form MC-356) for the sum of \$9,250.00. 2. Need proof of bond posted in the amount of \$11,000.00.
Cont. from 101912			
Aff.Sub.Wit.			
Verified			
Inventory			
Proof of Bond	X		
Blocked Recpt.	X		
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 11/30/12
Updates:
Recommendation:
File 17 - Crable

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4/5/12		<p>LESLIE ANN CHESTER was appointed as Executor with Full IAEA authority and without bond on 7/26/12.</p> <p>Minute Order dated 7/26/12 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 12/3/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Porter</p>	

DOD: 12/25/2011		HERBERT J. HERNANDEZ and RICHARD HERNANDEZ were appointed as Co-Administrators with Limited IAEA authority, without bond and with \$50,000.00 to be placed into a blocked account.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Order to Deposit Money into Blocked Account was signed on 11/8/12.	1. Need receipt for blocked account or current written status report pursuant to Local Rule 7.5.
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Minute Order dated 11/8/12 set this status hearing for the filing of the receipt for blocked account.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 12/3/12
Updates:
Recommendation:
File 19 - Hernandez

Angelina age: 17

Emileo age: 16

Cont. from

Verified

Inventory

PTC

Not.Cred.

Notice of Hrg

Aff.Mail

Aff.Pub.

Sp.Ntc.

Pers.Serv.

**Conf.
Screen**

Letters

Duties/Supp

Objections

Video Receipt

CI Report

9202

Order

Aff. Posting

Status Rpt

UCCJEA

Citation

FTB Notice

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 12/7/12

Updates:

Recommendation:

File 21 - Boyce

Age: 24 years Cont. from 010412, 030712, 090512 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">Aff.Sub.Wit.</td><td style="width: 70%;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202 Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202 Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>DONNA PALMER, non-relative, was appointed as conservator of the person on 2/1/08.</p> <p>On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.</p> <p>In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.</p> <p>On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.</p> <p>A status hearing was set for the status of commencing a conservatorship in Michigan.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related cases on pages 23 and 24.</p> <p>Continued from 9/5/12. Minute order (Judge John Vogt) states Donna Palmer is appearing via conference call. Ms. Palmer advises the court that she was finally able to connect with Adult Well Being Services and she is now waiting on the psychological evaluation for all three girls. Matter continued to 12/7/12. The court authorizes Ms. Palmer to appear telephonically.</p> <p>1. Need current status report pursuant to Local Rule 7.5.</p>
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		Reviewed on: 12/3/12																																												
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		Recommendation:																																												
		File 22 - Garrido																																												

Atty Palmer, Donna (pro per Conservator)

Atty Palmer, Emanuel (pro per Conservator)

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 21 years	DONNA PALMER and EMANUEL PALMER , non-relatives, were appointed as conservator of the person on 9/22/09.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010412, 030712, 090512	On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.	Please see related cases on pages 22 and 24.
Aff.Sub.Wit.		
Verified		Continued from 9/5/12. Minute order (Judge John Vogt) states Donna Palmer is appearing via conference call. Ms. Palmer advises the court that she was finally able to connect with Adult Well Being Services and she is now waiting on the psychological evaluation for all three girls. Matter continued to 12/7/12. The court authorizes Ms. Palmer to appear telephonically.
Inventory		
PTC		1. Need Current Status Report pursuant to Local Rule 7.5
Not.Cred.		
Notice of Hrg	In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	A status hearing was set for the status of commencing a conservatorship in Michigan.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 12/3/12
		Updates:
		Recommendation:
		File 23 - Johnson

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 9-13-10	EARL CUNNINGHAM was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 10-19-12</u>
Cont from 101912	On 7-24-12, a Substitution of Attorney was filed by attorney Curtis Rindlisbacher indicating that he no longer represents the Administrator.	<u>Minute Order 10-19-12:</u> Mr. Cunningham is appearing via conference call. Mr. Cunningham advises the Court that he has the original appraisals for the two items in the estate and will file them within the coming week. He further advises that the appraisals were done by Steven Diebert. Continued to 12-7-12
Aff.Sub.Wit.	The Court set this status hearing for the filing of the Inventory and Appraisal and sent notice to Mr. Cunningham on 8-24-12.	<u>As of 11-30-12, nothing further has been filed.</u>
Verified	As of 8-24-12, nothing further has been filed.	1. Need Inventory and Appraisal.
Inventory		<u>Examiner Notes:</u>
PTC		<ul style="list-style-type: none"> Administrator Earl Cunningham resides in Carlsbad, New Mexico and is one of four heirs to the estate. At filing, Administrator estimated that the estate contained approx. \$60,000.00 in personal property. There has been at least one Creditor's Claim filed against the estate.
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 11-30-12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 25 - Martin

DOD: 11/20/11		MARTINA McKENZIE , daughter, was appointed Administrator without Bond on 06/13/12. Letters of Administration were issued on 06/25/12.	NEEDS/PROBLEMS/COMMENTS:
			<u>CONTINUED FROM 10/19/12</u>
Cont. from 101912		Minute Order dated 10/19/12 states: No appearances. The Court continues the matter to 12/07/12 and directs that a copy of today's minute Order as well as the one from 06/13/12 be sent to Martina McKenzie. The Court orders Martina McKenzie to be personally present on 12/07/12.	1. Need Inventory & Appraisal. Note to Judge: Per banner a copy of the minute orders was mailed to Martina McKenzie on 11/09/12 as directed in the 10/19/12 minute order; however, no Certificate of Mailing was filed confirming the mailing.
Aff.Sub.Wit.			
Verified			
Inventory	x		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			Reviewed by: JF Reviewed on: 12/03/12 Updates: Recommendation: File 26 - Kelly